

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**PRECISION CPAP, INC.; MEDICAL  
PLACE, INC.; PHASE III VANS, INC.,  
d/b/a EAST MEDICAL EQUIPMENT  
AND SUPPLY; and MED-EX,**

**Plaintiffs,**

**v.**

**JACKSON HOSPITAL; MED-SOUTH,  
INC.; JMS HEALTH SERVICES,  
L.L.C., d/b/a JACKSON MED-SOUTH  
HOME HEALTH, L.L.C.; BAPTIST  
HEALTH, INC.; AMERICAN HOME  
PATIENT, INC.; BAPTIST VENTURES  
- AMERICAN HOME PATIENT,**

**Defendants.**

**Case No. 2:05-cv-1096-C**

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION  
OF TIME TO RESPOND TO COMPLAINT**

COME NOW Defendants Jackson Hospital, Med-South, Inc., JMS Health Services, L.L.C. d/b/a Jackson Med-South Home Health, L.L.C., Baptist Health, Inc., American Home Patient, Inc., and Baptist Ventures-American Home Patient, and move the Court for an extension of time to answer or otherwise respond to the Complaint pursuant to Rule 6(b), Fed. R. Civ. P., to and including January 31, 2006, and as grounds would state as follows:

1. The extension of time will permit the Defendants to respond in a more orderly and uniform manner to the lengthy Complaint, which will inure to the benefit of the Court and all the parties.
2. Defendants were individually served on different dates and establishing a single, common response date is desirable given that the Defendants are represented by different defense counsel.

3. Defense counsel has insufficient time to respond to the complex, 22-page Complaint filed herein, which alleges violations of the Sherman Act, the Clayton Act, 15 U.S.C. §§ 1, 2, 4, 15, 16, and 26, and Alabama Anti-Trust law, ALA. CODE § 6-5-60.

4. The requested extension will not delay the ultimate adjudication of this action.

5. Plaintiffs' counsel has authorized the undersigned to represent that the Plaintiffs have no objection to the requested extension.

**WHEREFORE**, the Defendants respectfully request that the Court extend the time for initial response to the Complaint until January 31, 2006.

Respectfully submitted this the 1<sup>st</sup> day of December, 2005.

s/ James E. Williams

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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 1<sup>st</sup> day of December, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notice of such filing to the following:

*Attorney for Plaintiffs:*

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s/ James E. Williams

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